



SUBJECT

Proposed Mixed-Use, Transit Oriented Development with 140 Affordable Housing Units, a 2,700 Square-Foot Day Care Center, and 1,800 Square-Feet of Ground Floor Commercial Space on a Vacant 2.21-Acre Infill Site Located at 29497, 29547, and 29553 Mission Boulevard, Assessor Parcel Nos. 078C-0438-013-06, 078C-0438-014-00, and 078C-0438-015-02 requiring Site Plan Review and Density Bonus Application 201806620 and the adoption of a California Environmental Quality Act Infill Checklist. Meta Housing Corporation (Applicant/Property Owner)

RECOMMENDATION

That the Planning Commission approve the Site Plan Review and Density Bonus application based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III); and adopt the Infill Checklist (Attachment V) prepared pursuant to the California Environmental Quality Act (CEQA).

SUMMARY

Meta Housing Corporation is requesting approval of a Site Plan Review (SPR) and Density Bonus application to develop a five-story, mixed-use transit-oriented development on a vacant 2.21-acre infill site located approximately one-half mile from the South Hayward BART Station. The Transit-Oriented Development (TOD) will include 140 rental units of affordable housing for families, a 2,700 square-foot daycare center, and an 1,800 square-foot commercial retail space. Pursuant to State Density Bonus law, the applicant is requesting an increase in density and that two (2) concessions/incentives be granted with respect to modifying building disposition requirements (setbacks) and removing a required, new thoroughfare along the rear of the project site. The project site is located within the Urban Center Zone (S-T5) of the South Hayward BART Form Based Code area with a Sustainable Mixed Use (SMU) land use designation in the *Hayward 2040 General Plan*.

BACKGROUND

Council Economic Development Committee. On March 4, 2019¹, the proposed project was presented to the Council Economic Development Committee (CEDC) for preliminary review. The applicant, Ross Ferrera with Meta Housing Corporation, and project architect, Lauri Moffet-Fehlberg with Dahlin Group, provided a presentation and overview of the project plans and site amenities. The CEDC was given the opportunity to provide preliminary feedback on the project, including its design and amenities, as well as provide policy direction to City staff on the potential removal of the required thoroughfare along the rear

¹ Council Economic Development Committee – March 4, 2019 Work Session:
<https://hayward.legistar.com/MeetingDetail.aspx?ID=675735&GUID=EC3FDF35-46A4-4FBE-9793-BF56833A4D20&Options=info&Search=>

of the project site. Overall, feedback from the CEDC members was positive and supportive; however, members did state concerns related to the potential lack of adequate off-street parking, the color palette and design of the building, and the lack of the windows along the building façade on Mission Boulevard. Following the CEDC meeting, the applicant and project architect revised the project plans to modify the building design and color palette to incorporate additional glazing and attractive windows facing the street and added texturing of the building walls by including cement fiber siding along certain wall planes. The applicant also reviewed possibilities to increase off-street parking at the project site for residents.

Public Outreach. On December 19, 2018, a Notice of Application Receipt was sent to all property owners, businesses, and residents within a 300-foot radius of the project site, as well as interested parties including the South Hayward Neighborhood Group, the Mission/Garin Neighborhood Taskforce, the Fairway Park Neighborhood Task Force, and South Hayward Parish.

On September 27, 2019, a Notice of Public Hearing for the Planning Commission public hearing was circulated to all property owners, businesses, residents and interested stakeholders within a 300-foot radius of the project site as well as published within The Daily Review newspaper as a Legal Ad. To date, staff has received three e-mails of support on the project, including the Fairway Park Neighborhood Association (FWPNA), who supported the mixed-use and day care components of the project, as well as its proximity to transit. In addition, the Hayward Chamber of Commerce sent a letter stating the project was presented to their Government Relations Council on September 6, 2019 where the project was generally favorable but had concerns on the amount of parking provided.

PROJECT DESCRIPTION

Existing Site Conditions. The project site consists of three individual parcels along Mission Boulevard with a cumulative lot area of 2.21-acres situated approximately 300-feet northwest of the Mission Boulevard and Industrial Parkway intersection. The site is approximately 325-feet deep with approximately 300 lineal-feet of frontage along the Mission Boulevard corridor. The topography of the property is relatively flat with a subtle decline of 4 to 5-feet sloping from the front to the rear of the entire project site. Currently, there are nine (9) protected trees on-site subject to the City's Tree Preservation Ordinance and no existing structures on-site. If approved, the project will be required to complete a Certificate of Merger to consolidate all three parcels into one.

Surrounding development and land uses include the International Laborers Union Hall and future SoHay development to the north, the Dixon Apartments complex to the west along the rear of the project site, a commercial shopping center to the south, and miscellaneous commercial and automobile service shops across the street to the east.

Proposed Project. The proposed project, Hayward Mission Family Apartments, will include the construction of one, five-story "U"-shaped building on a vacant infill site within one-half mile from the South Hayward BART Station. The project will result in the construction of 140 apartment units (including one on-site manager unit) designed and intended for families. The development will include several on-site amenities for residents including a bike kitchen and secure storage room, community use rooms on each floor, on-site laundry rooms, a

private 670 square-foot roof deck, secured mail room and package lockers, and car-share parking spaces for community use. The resident lounge on the first-floor area will be programmed to have a designated waiting area where residents may wait for their respective ride-hailing/carpooling service such as Uber, Lyft and/or Waze. Further, the U-shape of the building creates a spacious, approximately 10,500 square-foot outdoor common open space amenity for the community residents that will include a movie wall/lawn, tot lot, and playground. The project will be 100% affordable and will include one, two, and three-bedroom units as seen in Table 1 below. Dwelling units will range between 505 square-feet and 999 square-feet of net area depending on the number of bedrooms.

Table 1 – Bedroom Unit Mix

Unit Type	1st Floor	2nd Floor	3rd Floor	4th Floor	5th Floor	TOTALS
1-Bedroom	4	9	10	10	10	43
2-Bedroom	5	12	12	12	14	55
3-Bedroom	4	10	10	10	8	42
	13	31	32	32	32	140

The project will also include a 2,700 square-foot day care center and 1,800 square-feet of commercial retail space on the ground floor of the building. The day care center will include approximately 1,800 square-feet of exterior play area for the children which will be screened from Mission Boulevard for privacy and safety. The day care center will consist of a toddler and pre-school rooms with a food preparation area. The commercial space will also include approximately 880 square-feet of exterior courtyard area that may serve as an outdoor dining and/or lounging area for patrons. The commercial space will be required to be equipped with a grease trap/interceptor to allow the space to be flexible over time and change between food-related (i.e. restaurant, café) and non-food related retail uses. At this time, no specific tenant has been identified for the commercial space.

Architecture. As noted previously, the proposed project will include one, five-story mixed use building comprising of commercial, community, and residential uses on the ground floor and residential units concentrated on the second through fifth floors. Dahlin Group, the project architectural firm, has planned the building to be U-shaped to create a common courtyard area for residents in the center of the project site, while simultaneously creating tuck-under and surface parking spaces along the perimeter of the building. The principal building is designed with a contemporary approach incorporating flat and shed roofs along all four sides of the structure coupled with varying wall planes and reliefs to avoid blank, monotonous facades. The roof also consists of parapet walls to screen required rooftop mechanical equipment from the public right-of-way.

Several facades of the building include prominent focal tower design elements with triangular, multi-colored control joints to maintain visual interest and continuity throughout the development. Private balconies will also be installed along several of the side, rear, and interior-facing dwelling units to enhance the activation of building facades. As proposed, the overall total building height, at its tallest point, is measured at 63'-5". The exterior building materials, inclusive of the commercial and residential components, will include a combination of stucco and fiber cement siding with a color palette of blue, white, and grey.

Parking and Site Circulation. Pursuant to the South Hayward BART Form Based Code (FBC), there is no minimum parking requirement for residential uses; however, the FBC establishes a maximum cap of 1.5 parking spaces per rental unit, as well as requires minimum bicycle parking for short- and long-term use. As proposed, the project will include a total of 101 parking spaces for automobiles and four spaces will be provided for motorcycles. As noted above, the project will include tuck-under parking spaces and surface parking along the perimeter of the principal building. The project will also include two car-share parking spaces for communal use and two electrical vehicle charging stations.

During business hours, 18 parking spaces will be utilized for the daycare and commercial uses. In addition, the project will also include capacity for 73 bicycle parking spaces within the secured bike kitchen and 16 short-term bicycle parking spaces along Mission Boulevard and focused adjacent to the commercial tenant space to support alternative modes of transportation to /from mass transit stations and neighborhood commercial land uses.

Access to the project site will be secured from along Mission Boulevard with two, separate driveway approaches that will each be able to accommodate two-way traffic. The 26-foot wide drive aisle will be designed to accommodate Fire Department vehicle access, trash service, and the residents. Loading and unloading areas for commercial and residential vehicles will be conducted on private property and will take place within the parking lot area adjacent to the side entrance of the principal structure. Pedestrian circulation to the site will similarly come from Mission Boulevard; however, said residents, patrons, and/or visitors will enter via the designated lobby entrances or through the courtyard entrance between the daycare and commercial space.

Landscaping, Open Space and Tree Removals. The project plans (Attachment IV) include preliminary landscape and irrigation plans for the proposed development which consist of the new trees, shrubs and groundcovers to be planted at the site in compliance with City's Bay Friendly Water Efficient Landscape Ordinance (WELO)². WELO requires new developments with landscape areas greater than 500 square-feet to prepare water budget calculations and design for drought-tolerant, native trees and plantings appropriate for the project climate to ensure sustainable and water efficient landscaping and irrigation practices. In addition, five bio-retention areas for stormwater management have been integrated into the site design in the surface parking lot areas, interior courtyard, and building perimeter to capture drainage and run-off.

Pursuant to the FBC, new developments within the S-T5 zoning district are required to dedicate 10% of the cumulative lot area for common open space within the development, and plant street trees for every 30 linear-feet along the project frontage. As shown on the plans, the project will provide more than 14,000 square-feet of common open space area, inclusive of the interior courtyard for the residents, 2nd floor roof deck, and the outdoor dining/lounge area for the commercial space.

Tree Removals. An Arborist Report was prepared by a certified arborist which evaluated existing on-site and off-site perimeter trees at the project site in accordance with the City's

² Chapter 10, Article 12 of the Hayward Municipal Code – Bay Friendly Water Efficient Landscape Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART12BIEWA_EFLAOR

Tree Preservation Ordinance³. Based on the landscaping plans, nine existing trees that have been deemed protected located on-site will need to be removed to accommodate the site improvements and construction of the new development. The species of the protected trees to be removed include olive, evergreen ash, fan palm, and a canary island date palm tree. The arborist report has appraised the value of the nine trees at \$15,595, which will require mitigation through the on-site planting of trees with like size, or like kind to meet or exceed the appraised value of the removed trees. As proposed, the project proposes to mitigate the removal of these trees with the planting of 8 new street trees, 29 parking lot trees, and 28 additional shade trees, all sized at a 24-inch box size, for a total value of \$27,800. As conditioned, the landscaping and irrigation plans will be reviewed in greater detail during the building permit phase to ensure that all mitigation is adequate. Additionally, the City Landscape Architect will inspect the construction site to verify the trees are planted correctly with proper irrigation that will maximize the health of the trees.

Sustainability Features. The project will be required to be designed to meet all applicable California Building Code and CalGreen Standards, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. The project will also seek a Greenpoint rating certification per Chapter 10, Article 22 of the HMC. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills. Project specific sustainability features include the installation of approximately 23 solar thermal panels on the roof, installation of electric vehicle chargers and the use of carshare vehicles on-site to assist residents of the new development reduce reliance on automobile ownership.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site is designated Sustainable Mixed Use (SMU)⁴ in the *Hayward 2040 General Plan* which allows for a residential density range of 4.3 to 100 dwelling units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. Based on the General Plan density and cumulative lot area of the project site, the proposed development falls within the permissible density range of 9 to 221 dwelling units, and the FAR of the development does not exceed the maximum cap of 192,535 square-feet of floor area.

The SMU land use designation generally applies to properties that are regional transit adjacent and are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. SMU areas are expected to change substantially in the future, as properties are planned to be developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors.

³ Chapter 10, Article 15 of the Hayward Municipal Code – Tree Preservation Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

⁴ Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/mixed>

In addition, the project site is located within approximately one-half mile from the South Hayward BART station where the General Plan has identified two of the City's five Priority Development Areas (PDAs); the South Hayward BART Mixed-Use Corridor and South Hayward BART Urban Neighborhood. These PDAs are intended to decrease dependency on the automobile and offer more people multi-modal options to walk, bike, or take transit for commute and daily trips through high-density TODs; thus, assisting to reduce automobile use, local and regional traffic congestion, and related greenhouse gas emissions. Based on the existing road network is approximately a 13-minute walk or a 4-minute bicycle ride which will be supported by the project's bicycle kitchen offering local repairs, parts, etc. as well as accommodate ample, secure bike storage.

The project is also consistent with numerous goals and policies of the General Plan in that the development will increase the housing stock of affordable housing within the City of Hayward, the site is located adjacent to a major transportation hub at the South Hayward BART station coupled with multiple bus lines along Mission Boulevard, and that the development is considered an infill development that will result in more complete community. The project consistency with the *Hayward 2040 General Plan* goals and policies are further discussed in greater detail in the Required Findings (Attachment II).

Zoning Ordinance. The project site is within the Urban Center Zone (S-T5) of the South Hayward BART/Mission Boulevard Form Based Code⁵ area which allows for a residential density range of 35 to 55 dwelling units per net acre. Of the subdistricts within the FBC, the S-T5 zone is the most intensive with respect to development given that it is envisioned to consist of higher density mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings. The zone has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. Based on the project lot area, the maximum dwelling unit cap for the site is 121 dwelling units; however, the applicant has requested to incorporate a density bonus to increase the total unit count to 140 dwelling units (15% increase). As proposed, the development complies with most of the development standards such as minimum setbacks, lot coverage, height, building design and materials, frontage buildout except for those standards requested to be reduced and/or waived through state density bonus law. Additional information on the requested density bonus and concessions/incentives to modify the building disposition requirements and remove the required new thoroughfare designation are further described in the sections below.

Site Plan Review. Major development applications which require environmental review are subject to the Site Plan Review process and the associated findings contained in Section 10-1.3025 of the Hayward Municipal Code⁶. Per the HMC, the Planning Commission may approve or conditionally approve an application for Site Plan Review when all the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an

⁵ Chapter 10, Article 24 of the Hayward Municipal Code (South Hayward BART/Mission Boulevard Form Based Code): https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24SOHAB_AMIBOFSECO

⁶ Chapter 10, Article 1, Section 10-1.3000 (Site Plan Review): https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-

attractive addition to the City;

- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations;
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis on the required Site Plan Review findings in Attachment II of this report.

Affordable Housing Ordinance. Residential development projects with two or more dwelling units are subject to the City’s Affordable Housing Ordinance (AHO)⁷ where projects may either provide affordable units on-site or pay an in-lieu fee to comply. For rental projects, the AHO requires 6% of units be restricted as affordable units with half of those required to be reserved for very-low income households and the remainder for low-income households. Pursuant to the AHO, the minimum requirement for the project is calculated on the base density cap (6% of 121 = 7.26 units rounded to 8 units); thus, 8 rental units are required to be restricted for low-income households – 4 of which will be required for very-low income households. All restricted units, either to satisfy the AHO or the City’s Density Bonus Ordinance (DBO), will be maintained as affordable in perpetuity. In the case of the proposed project, all residential dwellings units are intended to be affordable; however, as described above in the Density Bonus section below, 25 of the 140 dwelling units will be restricted for affordability by the City of Hayward and the remainder of the units will be restricted by state funding agencies such as the California Tax Credit Allocation Committee and/or the California Housing Finance Agency likely with restrictive covenants with terms of 55 years. As a Condition of Approval and per the AHO, the applicant will be required to execute an Affordable Housing Agreement, in coordination with the City’s Housing Division, prior to the issuance of building permits. Table 2 demonstrates compliance with the AHO.

Table 2. Affordable Housing Ordinance Compliance

Base Unit Maximum	AHO Minimum Requirement	Number of Required Units	Affordability Level	Proposed # of Affordable Units to be Restricted by City	Complies?
121	6%	8 Units	4 @ Very-Low Income	4 @ Very-Low Income	Yes.
			4 @ Low-Income	21 @ Low-Income	

Density Bonus Ordinance. In addition to meeting the minimum requirements of the AHO, the applicant is requesting a density bonus and two concessions/incentives from the South Hayward BART Form Based Code pursuant to Section 65915 of the Government Code⁸ and the City’s DBO. A density bonus is a zoning tool granted by State law that allows for an increase in density with concessions and/or incentives to development standards when affordable housing units are included on-site. According to the submitted Affordable Housing Unit Plan/Density Bonus Plan (Attachment VI), the applicant is proposing that a total of 25 of the 140 dwelling units be restricted by the City of Hayward for lower-income households.

⁷ Chapter 10, Article 17 of the Hayward Municipal Code (Affordable Housing Ordinance): https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AEHOOR
⁸ Section 65915 of Government Code (State Density Bonus Law): http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915.&lawCode=GOV

Given that the project is restricting 20% of the 121 rental units (maximum dwelling unit cap per zoning) for low-income households by the City, the project is entitled up to a 35% increase in density (164 units); however, the applicant is only requesting a 15% density bonus increase for a total of 140 dwelling units. Table 3 demonstrates the compliance with State and local density bonus regulations and the proposed quantity of dwelling units,

Table 3. Density Bonus Compliance

Base Unit Maximum	# of Affordable Units Restricted by City	% of On-Site Units Restricted by City	Permitted Density Bonus	Maximum Density with Bonus	Proposed Number of Total Units
121	4 @ Very-Low Income	20%	Up to 35% (43 Additional Units)	164 Units	140
	21 @ Low-Income				

In exchange for restricting 25 dwelling units as affordable, the project is entitled to two (2) concessions or incentives. Concessions/incentives are defined as a reduction in site development standards or a modification of zoning code, or other regulatory incentives or concessions which result in identifiable and actual cost reductions. In addition, pursuant to state law, the City shall grant the concessions or incentives proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. Accordingly, the applicant has requested the following concessions/incentives:

1. ***Building Disposition.*** For the S-T5 zoning district, the FBC establishes a maximum setback of 24-feet along the side property lines. The applicant is proposing a side yard setback of 36- to 51-feet along the northern (right side facing project) property line and 51-feet along the southern (left side facing project) property line in order to accommodate Fire Department, waste management, and two-way vehicular access around the principal building. Applicant is requesting to allow for the increased setback beyond the 24-foot maximum to accommodate the required access mentioned above.
2. ***New Thoroughfare Designation.*** Figure 1-2 and Figure 1-3 of the FBC indicate the location of a new thoroughfare to be created along the rear of the project site referenced as Plan ST-56-34-BR. The plan detail calls for the construction of a 56-foot wide street with two-way vehicular traffic, on-street parking, planting strips and sidewalks on each side of the street - across the width of the project site. Applicant is requesting that the thoroughfare requirement to be waived as it will significantly increase costs to the project and reduce the overall density of the project impacting the financing of the project. In addition, if built, the thoroughfare will start and end at a dead-end, or lead into the new SoHay Park which is not programmed for automobile circulation.

Strategic Initiatives. This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Strategic Initiatives is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all consistent with the objectives of the General Plan. Specifically, the item supports the following adopted goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

- Objective 1b: Foster a sense of place and support neighborhood pride.
- Objective 1d: Create resilient and sustainable neighborhoods.

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

- Objective 2b: Facilitate the development of diverse housing types that serve the needs of all populations.

STAFF ANALYSIS

Staff believes that the Planning Commission can make the required Findings to approve the Site Plan Review and Density Bonus application based on the analysis provided herein and included within the required Findings and adopt the Infill Checklist prepared pursuant to CEQA Guidelines. Aside from the two requested concessions/incentives granted through Density Bonus law, the proposed project complies with development standards of the FBC and meets the intent of the S-T5 zoning district and the goals of the General Plan.

The proposed project represents sustainable planning principles by focusing mixed-use and transit-oriented developments within proximity of regional mass transit hubs that provide multi-modal options for residents and patrons to commute via walking, scootering, bicycle, bus, and train. The South Hayward BART station provides train and bus service (ten AC Transit lines) with regional access and/or connections to San Jose, San Francisco, Alameda County, Contra Costa County, and San Mateo County providing working class families opportunities to commute via public transit versus single-occupancy automobiles. Staff understands that there may be perceived issues related to parking, but for the reasons identified above and considering technological advancements that allow for ridesharing, carsharing, carpooling, autonomous vehicles, etc., the necessity for owning a personal vehicle as a primary form of transportation has dropped.

Land Use Compatibility. As indicated previously, the project site is located within the FBC area which stretches the majority of the Mission Boulevard, except for the Downtown Specific Plan area. Within this FBC area, numerous new developments⁹ for housing, mixed-use, and commercial have been approved (e.g. SoHay, Campways, Mission Seniors, Mission Village) that will transform the image and scale of the Mission Boulevard corridor within the next 5 years. As of date, the Eden Housing Alta Mira (affordable senior and family) and AMCAL Cadence (market rate) developments are the only five-story structures along Mission Boulevard. Staff understands that the proposed development does not currently align with the existing one- and two-story massing of the abutting properties; however, the project does align with the established height limitations of the FBC and the project architect has taken efforts to provide ample setbacks along the side and rear property lines to avoid the massing impact onto adjacent structures. Further, as properties continue to develop and redevelop along Mission Boulevard – the project will become more compatible in size and intensity to support the shift from suburban pattern to a more urban, compact form.

⁹ Major Development Activity, City of Hayward: <https://www.hayward-ca.gov/business/for-developers/development-activity>

Housing Element. According to the 2014 Housing Element, the proposed project site was identified within the Residential Sites Inventory for the South Hayward BART area for the potential development of future housing. The inventory indicated that the project site had a realistic capacity of 50 dwelling units on-site for lower-income housing. Given that the proposed development will consist of 140 dwelling units, inclusive of a density bonus, the project site will not be underdeveloped and will further assist the City in meeting its Regional Housing Needs Allocation (RHNA) targets for lower-income and very-low income households. In consideration that some sites identified within the Residential Sites Inventory have already been entitled and/or developed at lower densities than originally forecasted for in the Housing Element, the proposed project will fill in the gap for much-needed affordable housing units to alleviate the State's housing crisis. Further, the approval and construction of the project will fulfill 23% of the City's RHNA goal for low-income units and 3% of the City's goal for very low-income units from 2015-2023. Of the projects currently approved, the City is only expected to meet 20% of the goal for low-income units and 14% for very-low income units.

ENVIRONMENTAL REVIEW

Background. The City of Hayward certified the Environmental Impact Report (EIR) for the General Plan¹⁰ in 2014. The *Hayward 2040 General Plan* represents the community's view of its future and expresses the community's conservation and development goals for the next 26 years (2014 to 2040). The 2040 General Plan EIR assumed approximately 7,472 net new units of single-family housing and 7,339 net new units of multi-family housing would be developed through General Plan buildout.

The South Hayward BART/Mission Boulevard Form Based Code project replaced most of the existing zoning regulations applicable to an approximately 240-acre area along Mission Boulevard and centered on the South Hayward BART Station. On September 13, 2011, the Hayward City Council certified the South Hayward BART/Mission Boulevard Form-Based Code Supplemental EIR (SEIR).

Aesthetics and Parking. Senate Bill (SB) 743, enacted in 2013, amended CEQA to provide that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Aesthetics and parking will no longer be considered in determining if a project has the potential to result in significant environmental effects, provided a project meets the following three criteria:

1. The project is in a transit priority area; and
2. The project is on an infill site; and
3. The project is residential, mixed-use residential, or an employment center.

Based on staff analysis, the project meets the above criteria as it is approximately one-half mile from the South Hayward BART Station, is in an urban area that has previously been developed and is a mixed-use residential project. Additionally, because of the project's consistency with SB 743 criteria, aesthetics issues are not considered to be impacts under CEQA and are not addressed in this Infill Checklist.

¹⁰ City of Hayward General Plan and EIR: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

Infill Checklist. The project's environmental assessment was completed using an Environmental Consistency ("Infill") Checklist (Attachment V), which tiers off the General Plan EIR and South Hayward BART/Mission Boulevard Form-Based Code SEIR. The Infill Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

An infill checklist is intended to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. In accordance with CEQA Guidelines Section 15183, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.

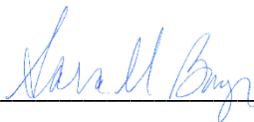
The infill checklist concludes that the project would not have any significant effects on the environment that either 1) have not already been analyzed in a prior EIR or 2) that are more significant than previously analyzed, or 3) that uniformly applicable development policies would not substantially mitigate (referred to in the Infill Checklist and Conditions of Approval as Standard Conditions of Approval).

NEXT STEPS

If the Planning Commission approves the Site Plan Review and Density Bonus application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed by 5 p.m. on October 21, 2019, then the decision will be deemed final and effective. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

Prepared by: Marcus Martinez, Associate Planner

Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director